

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 76-121

Introduced by Council President Freeman at the request of the County
Legislative Day No. 76-38 Date: November 16, 1976 Executive

AN EMERGENCY ACT to repeal Article 7, heading, "A-1 Agricultural District", of Ordinance 6, heading, "Harford County Zoning Ordinance (as amended)", and to enact new Article 7, heading, "A-1 Agricultural District", to be added to the Harford County Zoning Ordinance (as amended) to provide for the use and development of agricultural land in Harford County, Maryland; to provide principal permitted uses, conditional uses and generally related thereto.

By the Council, November 16, 1976

Introduced, read first time, ordered posted and public hearing scheduled.

on: December 14, 1976

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on December 14, 1976 and concluded on December 21, 1976.

Angela Markowski, Secretary

1 WHEREAS, Harford County has been an agriculturally
2 oriented County; and

3 WHEREAS, the Council is desirous of preserving the
4 agricultural lands in our County; and

5 WHEREAS, while the Council recognizes the need for
6 agricultural land, it also acknowledges that the owner of land
7 in an "A-1" District should be permitted limited flexibility in
8 the use of his land for purposes other than agricultural; and

9 WHEREAS, the Council finds that the majority of land in
10 Harford County is zoned "A-1", and that rapid expansion of these
11 districts into residential developments is contrary to the
12 orderly growth of this County and not within the best interests
13 of its citizens.

14 NOW, THEREFORE,
15 Section 1. *Be It Enacted By The County Council Of Harford County,*
16 *Maryland,* that Article 7, heading, "A-1 Agricultural District",
17 of the Harford County Zoning Ordinance (as amended), heading,
18 "Harford County Zoning Ordinance (as amended)", be, and it is
19 hereby repealed, and that new Article 7, heading, "A-1
20 Agricultural District", be, and it is hereby added to Ordinance
21 6, heading, "Harford County Zoning Ordinance (as amended)", to
22 stand in lieu of the Article repealed, all to read as follows:
23 Article 7 - "A-1" Agricultural District.

24 7.00. Purpose.

25 The purpose of this District is to provide (1) areas to
26 preserve our agricultural and geological resource, (2) areas for
27 large lot very low density residential development to be served
28 by private sewage system and water sources on land not suitable
29 for agriculture, (3) areas which are to be devoted to uses which
30 will preserve to the greatest extent possible our air, landscape,
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1 water and ecological resources, and (4) open space for the
2 enjoyment and recreation of our residents.

3 The following regulations and the applicable regulation
4 contained in other Articles shall apply in all "A" Districts.

5 7.01. Principal Permitted Uses.

6 No building, structure or land shall be used, and no
7 building or structure shall be hereafter erected, structurally
8 altered, enlarged or maintained, except for one or more of the
9 following uses:

10 7.011. Agriculture.

11 Agriculture and the usual agricultural buildings,
12 structures, farm dwellings and offices, nurseries and greenhouses;
13 provided that any greenhouse heating plant, or any building or
14 feeding pens in which farm animals are housed or kept shall comply
15 with the requirements of Subsection 7.041.

16 7.012. Single Lot Residential Use.

17 Single-family and two-family detached dwellings and
18 single-family mobile homes when located on one individual lot of
19 not less than two (2) acres when subdivided pursuant to the
20 following criteria:

21 (a) A parcel of land from four (4) to twenty (20) acres
22 in area, in existence prior to November 8, 1973, may have
23 subdivided from it only once, one (1) lot of not less than two (2)
24 acres.

25 (b) A parcel of land of twenty (20) acres or more in
26 existence as of the date of adoption of this Ordinance may have
27 subdivided from it one (1) lot per year of not less than two (2)
28 acres including lots around existing dwellings or mobile homes
29 subject to the following:

30 (1) The total number of two (2) acre lots that may
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1 be ultimately subdivided from the original parcel including lots
2 for existing dwellings or mobile homes shall not exceed one (1) lot
3 per each full ten (10) acres of the parcel.

4 (2) If a landowner does not exercise his right to
5 develop a two (2) acre lot in any one (1) year, he may accumulate
6 his rights for development in accordance with this Section in
7 subsequent years.

8 (3) The second and subsequent lots shall be subdivided
9 subject to the following conditions:

10 (A) All lots with the exception of the first
11 and second lot shall be served by a development road, with the
12 exception that a group, not to exceed six (6) lots, four (4) of
13 which may have panhandles, may be subdivided. A panhandle lot,
14 for purposes of this Ordinance, is a lot whose main bulk or area
15 abuts a road by means of a narrow strip of land which is part and
16 parcel of the lot.

17 (B) Panhandle lots shall meet the following
18 requirements:

19 (i) The minimum width of panhandles shall
20 be:

21 (aa) Single panhandles, twenty-five
22 (25) feet.

23 (bb) Double panhandles shall be 12.5
24 feet each - total twenty-five (25) feet.

25 (cc) Triple panhandles shall be 12.5
26 feet each - total 37.5 feet.

27 (dd) Quadruple panhandles shall be
28 12.5 feet each - total fifty (50) feet.

29 (ii) The maximum length of panhandles
30 shall be:

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1 (aa) Single panhandle - four
2 hundred (400) feet.

3 (bb) All other panhandles - seven
4 hundred (700) feet.

5 (cc) The Director of Planning and
6 Zoning may exempt the maximum length of panhandles because of
7 topography, natural features or geometry of the tract to be
8 subdivided.

9 (iii) A common drive improved to a minimum
10 of twelve (12) feet wide with a compacted six (6) inch stone
11 base and an approved all weather hard surface shall serve all lots
12 in a panhandle group.

13 (iv) The applicant may submit preliminary
14 subdivision plans prior to subdivision of the first lot but
15 thereafter shall submit a panhandle or road plan subject to the
16 approval of the Director of Planning and Zoning.

17 (C) Development of land pursuant to this
18 Section shall not be considered prima facie evidence in the change
19 in the character of the neighborhood for rezoning purposes but may
20 be considered with other evidence in determining change in the
21 character of the neighborhood.

22 7.013. Rural Residential Agricultural Conservation.

23 Single-family and two-family detached dwellings and
24 single-family mobile homes subject to the following conditions:

25 (a) The maximum number of lots including lots for
26 existing dwellings or mobile homes for any tract of land shall be
27 established by multiplying the acreage of the tract by a
28 development factor of 0.1.

29 (b) No dwellings or mobile homes shall be placed on a
30 lot of less than two (2) acres.

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1 (c) To conserve agriculture, not more than ten percent
2 (10%) of the land classified in the Natural Soil Groups as
3 "slight limitations or good suitability for the specified use" for
4 Intensive Cropping as identified in the latest edition of the
5 Natural Soil Groups of Maryland for Harford County shall be
6 developed until all other lands in the Natural Soil Groups
7 classified "moderate limitation or fair suitability for specific
8 use" for intensive cropping have been developed.

9 (d) No more than one (1) drive, road or lane shall be
10 permitted for each three hundred (300) feet of road frontage of
11 each tract or parcel of land to be subdivided. Exception to this,
12 because of topography configuration or geometry of the tract or
13 parcel may be granted by the Director of Planning.

14 (e) Panhandle lots shall conform to Section 7.021(b).

15 (f) Development of land pursuant to this Section shall
16 not be considered prima facie evidence in the change in the
17 character of the neighborhood for rezoning purposes but may be
18 considered with other evidence in determining change in the
19 character of the neighborhood.

20 7.014. Public and Private Forests.

21 Gardens, game and wildlife preserves and similar
22 conservation areas; community facilities, including public parks
23 and playgrounds and other recreational facilities with incidental
24 structures and buildings.

25 7.015. Underground Utility Lines.

26 For water, sewer, gas, communication and electrical power
27 transmission and distribution and necessary equipment incident
28 thereto, electric, telephone and telegraph poles and distribution
29 wires including transformers and the like, but not including
30 buildings or structures incident thereto or electrical transmission

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1 lines 110 KV or over. Also excluded are sewage disposal facilities,
2 gas and petroleum pipelines for processing and interstate or
3 transcontinental transmission.

4 7.016. Houses of Worship.

5 Accessory buildings for instruction and parish houses;
6 public buildings, museums, fire stations, libraries and other
7 similar public buildings.

8 7.02. Conditional Use Requiring Board Approval.

9 The following uses may be permitted as conditional uses
10 in accordance with the provision of Subsection 20.45.

11 7.021. Rural Residential.

12 Single-family and two-family detached dwellings when
13 located on a lot of not less than two (2) acres that has been
14 subdivided pursuant to the following criteria:

15 (a) That the tract of land for the project comprise not
16 less than five (5) acres.

17 (b) That the applicant shall first demonstrate that the
18 land is no longer suitable for agricultural purposes. Demonstration
19 of suitability shall include, but not be limited to, the following:
20 Size, soil classification, slope, farm conservation practice cost,
21 facilities, type of farming, proximity to residential dwellings.
22 It shall be the applicant's responsibility to provide the
23 necessary documentation for this claim at the time he submits
24 his application. Additional information may be required of the
25 applicant by the County. If the applicant, in the opinion of the
26 Director of Planning, fails to demonstrate that the
27 land is not suitable for agriculture, the applicant may apply for
28 a hearing before the Board for further action.

29 (c) Once the land has been established as not being
30 suitable for agriculture, the applicant shall submit to the
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1 Department of Planning and Zoning a preliminary plan for approval
2 for the development of such tract of land for rural residential
3 use with the following information:

4 (1) That there is an adequate source of water. A
5 hydrological survey, report and/or test may be required by the
6 Department of Planning and Zoning in areas where historically
7 there have been well failures or inadequate well yields.

8 (2) That the impact on roads shall not be excessive
9 and that the design of the lots be developed on development roads,
10 where practical, in the opinion of the Department of Planning and
11 Zoning.

12 (3) That adequate provisions have been made in the
13 site design to protect the natural features, slopes, streams,
14 landscape and trees, flood plain, view, natural contours, sediment
15 control and pollution contamination.

16 (4) That there is adequate land and/or facilities
17 provided for passive and active (team sport) recreational uses.

18 (d) Upon determination by the Department of Planning
19 and Zoning that the proposed development appears to conform to
20 the requirements of this Section and other applicable provisions
21 of this Ordinance, the proponents shall prepare and submit a
22 final development plan, which plan shall incorporate any change
23 or modification required or suggested by the Department of Planning
24 and Zoning.

25 (e) If the final development plan is found to comply
26 with the requirements of this Section and other applicable
27 provisions of this Ordinance, the Director of Planning and Zoning
28 shall submit said plan and its recommendations to the Board which
29 shall hold a public hearing on the development.

30 (f) Following the public hearing, the Board may deny the
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1 project or modify the plan consistent with the intent and meaning
2 of this Ordinance or may approve the project, for development
3 in substantial conformity with the final plan.

4 (g) Development of land pursuant to this Section shall
5 not be considered prima facie evidence in the change in the
6 character of the neighborhood for rezoning purposes but may be
7 considered with other evidence in determining change in the
8 character of the neighborhood.

9 7.022. Veterinary Clinic.

10 Veterinary clinic or animal hospital, including any
11 exercising runway, provided any structure or area used for such
12 purposes shall comply with requirements in Subsection 7.041.

13 7.023. Sand and Gravel Pits.

14 Quarries, mines, borrow pits or stripping of soil (not
15 including the taking of sod) provided:

16 (a) That any building housing power-driven or power-
17 producing machinery or equipment shall be distant at least two
18 hundred (200) feet from all adjacent property or road lines.

19 (b) That the extractive operations be confined to areas
20 at least five (5) feet from all adjoining property in an "A",
21 "R" or "B" District or any public road, and one hundred (100) feet
22 from any then existing principal building on an adjoining property,
23 provided that approaching with a distance of five (5) feet will
24 not damage the adjoining property.

25 (c) That all excavations be backfilled on a two to one
26 (2:1) slope, during or at the completion of operations.

27 (d) That before authorizing such use the Department of
28 Planning and Zoning shall obtain from the County Council, as
29 recommended by the Highways Department and approved by the County
30 Council, proof of an adequate bond or other satisfactory guarantee

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1 to ensure the provision of adequate fencing and the restoration
2 of the extractive operations by regrading, draining or other
3 suitable treatment, during or at the completion of the operation.

4 7.024. Hospital, Sanitariums.

5 Hospitals, Sanitariums and charitable institutions for
6 human treatment, including facilities for contagious diseases,
7 the insane, alcoholism or drug addiction provided that any
8 establishments shall have a minimum area of twenty (20) acres.

9 7.025. Rest Homes and Nursing Homes.

10 Rest homes and nursing homes for convalescent patients,
11 provided any building for such use shall have a minimum lot area
12 of five (5) acres and shall be distant not less than one hundred
13 (100) feet from any other lot in an "R" District.

14 7.026. Cemeteries.

15 Cemeteries, including such accessory uses as mausoleum
16 and crematories, provided any mausoleum and crematory shall be
17 distant at least two hundred (200) feet from adjacent property
18 and road lines, and provided further that any new cemetery, other
19 than one located in the yard of a church, shall contain an area
20 of twenty (20) acres or more; and provided that no graves or
21 burial plots be located in the required front yard.

22 7.027. Country Clubs.

23 Swimming clubs, golf courses, hunting and riding clubs
24 and similar type uses except that shooting ranges including, but
25 not limited to, archery, pistol, rifle (large and small bore),
26 trap, skeet and turkey shoots shall comply with three (3) times
27 the requirements of Subsection 7.041.

28 7.028. Helistops, airports.

29 Helistops, airports and landing fields, private and
30 publically owned, subject to the provisions of Section 24.0452
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1 and provided that it shall comply with two (2) times the requirements
2 of Subsection 7.041 of this Ordinance.

3 7.029. Schools and Colleges.

4 7.0210. Principal Utilities.

5 Including buildings, water storage tanks and reservoirs,
6 pumping or regulator stations, substations, electrical transmission
7 lines and towers in excess of 10 KV, electric substations,
8 above-ground pipelines, communication towers over fifty (50)
9 feet, railroad tracks and sidings, and gas and petroleum
10 processing and interstate and transcontinental transmission.

11 7.0211. Mobile Home Parks.

12 Recreational campgrounds for trailers and tents subject
13 to the requirements in Subsection 7.041 and Section 17.1.

14 7.0212. Processing of Dairy Products.

15 Processing of dairy products and farm products, kennels
16 for the raising, breeding and boarding of dogs and other animals,
17 provided that all buildings, including runways, shall comply with
18 the requirements of Subsection 7.041.

19 7.0213. Penal and Correctional Institutions.

20 Provided that any such institution shall have a minimum
21 lot area of twenty (20) acres and shall comply with the
22 requirements of Subsection 7.041.

23 7.0214. Commercial Hog Farms.

24 Commercial hog farms and fur farms provided that all
25 buildings housing animals and feeding pens shall comply with
26 three (3) times the requirements in Subsection 7.041.

27 7.0215. Sanitary Landfills.

28 Sanitary landfills and other solid waste disposal
29 locations, subject to the provisions of Section 24.0452, provided
30 that it shall comply with three (3) times the requirements of
31 Subsection 7.041.

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1 7.0216. Conversion of Existing Residences.

2 Three (3) dwelling units but not more than four (4)
3 dwelling units, provided that any such use shall have a minimum lot
4 area of one (1) acre plus one (1) acre for each dwelling unit and
5 provided that one and one-half (1 1/2) off-street parking spaces
6 be provided for each dwelling unit.

7 7.0217. Medical Practitioner's Office.

8 For one or more nonresident practitioner and paramedical
9 personnel provided that there are six (6) off-street parking
10 spaces for each medical practitioner and one (1) for each of the
11 paramedical personnel that will be on the premises at any one time
12 and provided that parking shall not be located within the front
13 yard setback or twenty (20) feet of any "R" District. All
14 parking shall be densely screened with evergreens or other method
15 required by the Board.

16 7.0218. Camps and Day Camps.

17 7.0219. Antique Shops.

18 (a) There shall be adequate off-street parking provided.
19 There shall be no parking spaces within the front setback lines,
20 nor within twenty (20) feet of an "R" District and provided that
21 the parking is densely screened with evergreens or other method
22 required by the Board.

23 (b) There shall be no display of merchandise visible
24 from any public street.

25 (c) One (1) nonilluminated sign may be attached to
26 building of not more than five (5) square feet.

27 7.0220. Home Occupation.

28 Including any occupation conducted entirely within
29 a dwelling which is incidental to the main use of the building
30 for dwelling purposes and does not have any exterior evidence to
31 indicate that the building is being utilized for any purpose other
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1 than that of a dwelling; and in connection with which no commodity
2 is kept for sale on the premises, not more than one person is
3 employed on the premises other than members of the immediate family,
4 and no mechanical equipment is used except such
5 as may be used for domestic purposes. A nonilluminated sign,
6 attached to the building of not more than five (5) square feet
7 may be permitted. There shall be adequate off-street parking
8 provided; and no parking spaces within the front setback lines, nor
9 within twenty (20) feet of an "R" District or other residential
10 lots and provided that the parking is densely screened with
11 evergreens or other method required by the Board.

12 7.0221. Retail Nursery and garden center provided that all
13 parking be accommodated off-street and the sales display and
14 storage structure is limited to six hundred (600) square feet;
15 subject to compliance with subsection 7.041.

16 7.0222. Circus, carnival, concert or similar transient enterprise
17 when sponsored by an organization qualified under Chapter 426 of
18 the 1955 Act of the General Assembly of Maryland (Section 320A
19 of Article 27 of the Annotated Code of Maryland) provided that
20 such use does not include any permanent structures, shall not
21 exceed ten (10) days and that adequate off-street parking and
22 sanitary facilities are provided, and that all safety measures
23 and precautions be assured for the protection of the public,
24 subject to compliance with subsection 7.041.

25 7.0223. Sawmills. (see Ordinance 6-0-6).

26 7.03. Accessory Uses.

27 Accessory buildings and uses customarily incidental to
28 any principal use or authorized conditional use, including:

29 7.031. Living quarters of persons employed on the premises;

30 7.032. A private garage, parking area or stable (but not including
31 hogs, pigs) and that a stable must meet the same yard requirements
32 as required for the principal building.

1 7.033. Incidental home and farm occupations restricted to the
2 occupant and necessary supporting employees for the office of a
3 physician, dentist, architect, engineer, attorney and accountant
4 or similar professional person, and the office of a real estate
5 salesman, insurance agent and teacher or similar professional
6 person with no more than two clerical employees. An unlighted
7 sign or an indirectly lighted sign not to exceed two (2) square
8 feet in area shall be permitted.

9 7.034. The keeping of not more than (2) roomers or boarders
10 by a resident family.

11 7.035. Roadside stands, offering for sale only neighborhood
12 agricultural products or other products produced on the premises,
13 subject to yard requirements of a principal permitted use, with
14 off-street parking for a minimum of five (5) vehicles and limited
15 to one (1) unlighted, on premises, type sign of five (5) square
16 feet.

17 7.036. Exterior signs, subject to the provisions of Sections
18 13.033 and 13.034.

19 7.037. The keeping of animals and fowl as pets or for domestic
20 use, and subject to such use being twenty (20) feet from adjoining
21 lot lines.

22 7.038. Temporary buildings for uses incidental to construction
23 work, which buildings shall be removed upon the completion
24 or abandonment of the construction work.

25 7.039. Private, noncommercial, residential, below ground
26 swimming pools, with a fenced enclosure of at least four (4)
27 feet in height is provided where the yard in which the pool is
28 located is not completely fenced.

29 7.04. Required Conditions.

30 7.041. All uses, buildings or premises for which compliance
31 with the distance requirements in this subsection is stipulated
32 in the foregoing subsections of the Article, shall be distant

1 at least two hundred (200) feet from any lot in any district,
2 except "M" District or any lot occupied by a dwelling or by any
3 school, church, or any institution for human care not located
4 on the same lot as the said uses or buildings.

5 7.05. Lot Area, Width, and Yard Requirements. The following
6 minimum requirements shall be observed, subject to the modified
7 requirements in Article 18, and provided also that for any
8 building exceeding thirty (30) feet in height, the side and
9 rear yards shall be increased in width or depth by one (1)
10 additional foot for each three (3) feet of excess height.
11 (see Chart on following page)

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		<u>Minimum Lot Area</u>	<u>Lot Width at build- ing line</u>	<u>Lot Area Per Family</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
1	Dwellings	2 acres	200 ft.	1 acre	50ft.	40ft.	80ft.
2	Converted Residences	2 acres	200 ft.	1 acre	50ft. (3)	40ft.	80ft.
3							
4	Tourist Camps, Motels, Mobile	5 acres or 2,500 sq.ft.					
5	Home Camps, Rest Homes, Nursing	per cabin or mobile home			(1)	(1)	(1)
6	Homes						
7	Churches	2 acres	150 ft.		(1)	30ft.	50ft.
8	Public Utilities	20,000 sq.ft.	100 ft.		40ft.	30ft.	50ft.
9							
10	Hospitals, Sanitariums,						
11	Charitable Institutions,						
12	Cemetaries, Penal and						
13	Correctional Institutions	20 acres					
14							
15	Other Principal Permitted						
16	Uses	5 acres	100 ft.	1 acre	40ft. (2)	30ft. (2)	50ft. (2)
17							
18	Other Conditional						
19	Uses	5 acres					
20	(1)	Except as required in Article 17.					
21	(2)	Except as required in Articles 16, 17 and 18.					
22	(3)	Except when the existing residence is less than fifty (50)					
23		feet from a road improvement right-of-way.					
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1 Section 2. *And Be It Further Enacted*, that if any provision or
2 provisions of this Act, or the particular application thereof,
3 shall be held to be invalid, the remaining provisions and their
4 application shall not be affected thereby. Should any provision
5 hereof be inconsistent with any rule, regulation or policy of
6 any other agency having jurisdiction, such provision shall be
7 invalid, but the remaining provisions and their application shall
8 not be affected thereby.

9 Section 3. *And Be It Further Enacted*, that this Act is hereby
10 declared to be an Emergency Act, necessary to protect the public
11 health, safety and welfare, and to promote the orderly
12 development of Harford County, Maryland, and shall take effect on
13 the date it becomes law.

14 EFFECTIVE:
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19 The Secretary of the Council does hereby
20 certify that fifteen (15) copies of this bill
21 are immediately available for distribution to
22 the public and the press.

23 
24 Secretary
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BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on January 24, 1977.

Angela Markowski
Secretary of the Council